

REMARKS

Reconsideration and allowance of the claims are requested in view of the above amendments and the following remarks. Claim 1 has been amended. Support for the amendments may be found in the specification and claims as originally filed. No new matter has been added.

Upon entry of this amendment, claims 1-18, 30, 36-38 and 40-45 will be pending in the present application, with claims 1 and 38 being independent. Claims 19-29, 31-35 and 39 were previously cancelled without prejudice or disclaimer.

1. Rejections Under 35 U.S.C. §103

A. Obviousness in view of Carr, Kuzma, ATVEF and Keronen et al.

The Office Action rejects claims 1, 3, 5, 7-11, 14-18, 36-38 and 40-45 under 35 U.S.C. §103(a) as being unpatentable over Carr (U.S. Patent Application Publication No. 2003/0133043) in view of Kuzma (U.S. Patent 5,889,950) further in view of ATVEF specification and further in view of Keronen et al. (U.S. Patent 6,567,530). Applicants respectfully traverse this rejection for at least the following reasons.

The Office Action on page 5 concedes that Carr fails to disclose the claimed elements of a timeline data structure specifying specific times defined relative to a specific start time and a particular order for delivering each of the trigger, announcement and package data structures to the receiver. The Office Action also concedes that Carr fails to disclose the step of analyzing the timeline data structure to determine when to deliver each of the trigger, announcement and package data structures. However, the Office Action asserts that Kuzma discloses these elements. Applicants disagree with this assertion regarding Kuzma.

Kuzma discloses a method and apparatus for scripting broadcast data relating to television programs and HTML web pages. The method and apparatus allow local affiliates to

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determine in advance when a national source is broadcasting a web page, how many web pages are being broadcast at a time, and what the content of the web pages are for its own marketing and editing purposes (see col. 1, lines 5-10; col. 2, lines 15-28).

Kuzma also discloses a script 400 containing a plurality of entries 410-440 listing information about television programs and web pages (see col. 5, lines 62-67; Figure 4). The entries include a time stamp that provides a time reference as to when the program or web page is to be broadcasted, for example, by a national source. A local affiliate may use the time stamp to determine when it may insert local programming or its own web pages into the existing national programming (see col. 6, lines 26-34).

However, Kuzma fails to disclose or suggest the elements of a timeline data structure specifying a particular order for delivering each of a trigger, announcement and package data structures to a receiver, wherein the enhanced programming content includes the trigger data structure, announcement data structure, package data structure and timeline data structure, as included in claims 1 and 38. As discussed in the specification of the present application:

The timeline defines when the announcements, triggers, packages, and the various other modules and associated elements of the present invention are to be delivered as part of the enhanced programming content. (see page 32, lines 6-8; emphasis added).

. . . one or more announcement data structures, trigger data structures, package data structures, timeline data structures . . . which define the enhanced programming content and manner by which such enhanced programming content may be delivered to the viewer . . . (see page 21, lines 19-22; emphasis added)

Therefore, in contrast to claims 1 and 38, Kuzma teaches a script including a time stamp that indicates when a program or web page is going to be broadcasted by a national source, but fails to teach or suggest, in the sections cited by the Office Action or elsewhere, a timeline data structure that specifies a particular order for delivering distinct portions of enhanced

programming content.

Additionally, Kuzma fails to teach or suggest, in the sections cited by the Office Action or elsewhere, the element of a timeline data structure specifying specific times defined relative to a specific start time, as included in claims 1 and 38. As discussed above, Kuzma discloses that the time stamp provides a time reference as to when the program or web page is to be broadcasted. However, Kuzma lacks any teaching or suggestion that the time stamp is defined relative to a specific start time.

In response to applicants' previous argument that Kuzma teaches an absolute time reference for content intervals in program scheduling (see col. 2, lines 26-33), the Office Action states on page 2 that the only mention of an absolute time is in reference to prior art in the section entitled "Background of the Invention" of Kuzma. However, the fact that Kuzma discloses absolute time in reference to prior art in the section entitled "Background of the Invention" does not negate the fact that Kuzma does indeed teach an absolute time reference for program scheduling. Kuzma states that the vast majority of programming is well structured in that an absolute time for various content intervals are known by prior agreement (see col. 2, lines 26-28). There is nothing in Kuzma indicating that the invention disclosed therein relies on anything else but an absolute time reference, let alone a timeline data structure specifying specific times defined relative to a specific start time.

The disclosure of an absolute time reference teaches away from the element of a timeline data structure specifying specific times defined relative to a specific start time. Furthermore, the Office Action states on page 2 that the time stamp/timeline information in Kuzma is relative to the programming. However, a time stamp relative to the programming does not teach or suggest a timeline data structure specifying specific times defined relative to a specific start time.

ATVEF and Keronen et al. fail to cure these defects in Carr and Kuzma. Moreover, ATVEF and Keronen et al. are not cited by the Office Action for the purpose of addressing the elements of claims 1 and 38 discussed above.

Therefore, since Carr, Kuzma, ATVEF and Keronen et al., alone or in combination, fail to disclose or suggest all of the elements of claims 1 and 38, these claims are allowable.

Claims 3, 5, 7-11, 14-18, 36-37 and 40-45 depend from claim 1. As discussed above, claim 1 is allowable. For at least this reason, and the additional features recited therein, claims 3, 5, 7-11, 14-18, 36-37 and 40-45 are also allowable.

For at least the reasons above, reconsideration and withdrawal of the rejection of claims 1, 3, 5, 7-11, 14-18, 36-38 and 40-45 under 35 U.S.C. §103(a) are respectfully requested.

B. Obviousness in view of Carr, Kuzma, ATVEF, Keronen et al. and Valdez, Jr.

The Office Action rejects claims 2, 4 and 30 under 35 U.S.C. §103(a) as being unpatentable over Carr in view of Kuzma further in view of ATVEF specification and further in view of Keronen et al. and further in view of Valdez, Jr. (U.S. Patent 6,426,778). Applicants respectfully traverse this rejection for at least the following reasons.

As discussed above, Carr, Kuzma, ATVEF and Keronen et al., alone or in combination, fail to disclose or suggest all of the elements of claim 1. Valdez, Jr. fails to cure this defect.

Valdez, Jr. discloses an editing system and delivery system that synchronizes the transmission of interactive elements with a video signal, such that the interactive components may supplement information provided in the video signal at predefined periods. The interactive elements are transmitted in relation to the video such that the interactive elements will arrive in time to display the components concurrently with a portion of the video presentation (see col. 3, lines 44-52). However, Valdez, Jr. fails to disclose or suggest the elements of a timeline data structure specifying specific times defined relative to a specific start time, and a particular order for delivering each of a trigger, announcement and package data structures to a receiver, wherein the enhanced programming content includes the trigger data structure, announcement data structure, package data structure and timeline data structure, as included in claim 1. Therefore, since Carr, Kuzma, ATVEF, Keronen et al. and Valdez, Jr., alone or in combination, fail to

disclose or suggest all of the elements of claim 1, this claim is allowable.

Claims 2, 4 and 30 depend from claim 1. As discussed above, claim 1 is allowable. For at least this reason, and the additional features recited therein, claims 2, 4 and 30 are also allowable.

For at least the reasons above, reconsideration and withdrawal of the rejection of claims 2, 4 and 30 under 35 U.S.C. §103(a) are respectfully requested.

C. Obviousness in view of Carr, Kuzma, ATVEF, Keronen et al. and Goodman et al.

The Office Action rejects claims 6 and 12-13 under 35 U.S.C. §103(a) as being unpatentable over Carr in view of Kuzma further in view of ATVEF specification and further in view of Keronen et al. and further in view of Goodman et al. (U.S. Patent 6,427,238). Applicants respectfully traverse this rejection for at least the following reasons.

As discussed above, Carr, Kuzma, ATVEF and Keronen et al., alone or in combination, fail to disclose or suggest all of the elements of claim 1. Goodman et al. fails to cure this defect.

Goodman et al. discloses a system and method implemented in an interactive television system for managing modules of interactive television applications. However, Goodman et al. fails to disclose or suggest the elements of a timeline data structure specifying specific times defined relative to a specific start time, and a particular order for delivering each of a trigger, announcement and package data structures to a receiver, wherein the enhanced programming content includes the trigger data structure, announcement data structure, package data structure and timeline data structure, as included in claim 1. Therefore, since Carr, Kuzma, ATVEF, Keronen et al. and Goodman et al., alone or in combination, fail to disclose or suggest all of the elements of claim 1, this claim is allowable.

Claims 6 and 12-13 depend from claim 1. As discussed above, claim 1 is allowable. For at least this reason, and the additional features recited therein, claims 6 and 12-13 are also

allowable.

For at least the reasons above, reconsideration and withdrawal of the rejection of claims 6 and 12-13 under 35 U.S.C. §103(a) are respectfully requested.

2. Conclusion

Accordingly, in view of the above amendment and remarks it is submitted that the claims are patentably distinct over the prior art and that all the rejections to the claims have been overcome. Reconsideration and reexamination of the present application is requested. Based on the foregoing, applicants respectfully request that the pending claims be allowed, and that a timely Notice of Allowance be issued in this case. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the applicants' attorney at the telephone number listed below.

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If this response is not considered timely filed and if a request for an extension of time is otherwise absent, applicants hereby request any necessary extension of time. If there is a fee occasioned by this response, including an extension fee that is not covered by an enclosed check please charge any deficiency to Deposit Account No. 50-0463.

Respectfully submitted,
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